

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

020366-092000US

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on August 17, 2007.

TOWNSEND and TOWNSEND and CREW LLP

By: /Nina L. McNeill/
Nina L. McNeill

Application Number

10/632,661

Filed

August 1, 2003

First Named Inventor

Steven M. Casey et al.

Art Unit

2167

Examiner

Robert M. Timblin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 52,471

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

/William J. Daley/

Signature

William J. Daley Reg. No. 52,471

Typed or printed name

(303) 571-4000

Telephone number

August 17, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on August 17, 2007.

PATENT
Attorney Docket No.: 020366-092000US

TOWNSEND and TOWNSEND and CREW LLP

By: /Nina L. McNeill/
Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M Casey et al.

Application No.: 10/632,661

Filed: August 1, 2003

For: SYSTEMS AND METHODS FOR
IMPLEMENTING A CONTENT
OBJECT ACCESS POINT

Customer No.: 20350

Confirmation No.: 3558

Examiner: Robert M. Timblin

Art Unit: 2167

PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant requests review of the final rejection for the above-identified application. A response after final was filed on July 16, 2007. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated herein.

REMARKS/ARGUMENTS

The Applicant respectfully requests review of the rejection of all claims under 35 U.S.C. §102(b) and 35 U.S.C. §103(a). More specifically, the Applicant respectfully submits that the cited references do not disclose all of the claims elements to support the rejection under 35 U.S.C. §102(b) and because the Office Action has not established a case of prima facie obviousness to support the rejection under 35 U.S.C. §103(a).

35 U.S.C. § 102 Rejection, Elwahab

Claims 10, 17 and 18 stand under 35 U.S.C. §102(b) as being anticipated by U. S. Publication No. 2001/0034754 A1 of Elwahab et al. (hereinafter "Elwahab"). The Applicant respectfully argues that Elwahab fails to disclose each and every claimed element. For example, Elwahab fails to disclose, either expressly or inherently, abstraction or distinction of content objects as recited in the pending claims. Elwahab also fails to disclose, expressly or inherently, grouping sources of content objects as recited in the pending claims.

As noted previously, Elwahab is directed to "a Markup-Language-type content server used in conjunction with a customer premise gateway, via Markup-Language-type pages (e.g., HTML, XML, and the like), remote access and control of smart devices, appliances, personal computers, and other devices and systems connected at a customer premise via different communication means and protocols." (para 3) That is, Elwahab discloses a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. (para. 9).

The previous Office Actions argue that Elwahab teaches abstraction and distinction of content objects. The Applicants respectfully disagree. For example, claim 10 involves first abstracting content objects from one content object entity then distinguished the abstracted content object so that the resulting content object is now compatible with a different content object entity. Paragraphs 33 and 36 of the detailed description of the pending application disclose one possible example of such abstraction and distinction and helps to illustrate the

definition of a "content object" as recited in the claims. In this example, an abstraction engine accesses a MPEG video (a first content object) stored on a recorded video media (a first content object entity) and decompresses it to create an uncompressed digital video object (a second content object entity). The distinction engine formats that digital video object into another format, like an NTSC video signal (a third content object), so that the newly formatted content object can be played on a regular television set (a second content object). Elwahab does not disclose such abstraction and distinction as recited in claim 10. Specifically, Elwahab does not disclose a distinction engine that could conform a content object to a second content object entity. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claims 10 and 17.

Furthermore, Elwahab does not disclose grouping sources of content objects. The Office Action argues that at paragraph 9 of Elwahab there is a teaching of grouping sources of content objects. However, the sections of Elwahab cited by the Office Action only appears to talk about entities without any connection with content objects. Elwahab does not disclose the grouping of different content object entities based on whether they are either the source or destination of content objects along with a guide that allows content objects to be directed from one content object entity to another. For at least these reasons, the Applicants respectfully request withdrawal of the rejection and allowance of claim 18.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey

Claims 11-14, 16, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Elwahab as applied to claims 1-10 and 17-19 above, in view of U.S. Patent No. 6,576,981 of Jeffrey (hereinafter "Jeffrey"). As discussed above, claim 10, upon which claims 11-14 and 16 depend, and claim 18, upon which claims 19 and 20 depend, are thought to be allowable. Therefore, claims 11-14, 16, 19 and 20 are also thought to be allowable at least by virtue of their dependence on an allowable base claim.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey and further in view of Baer

Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Elwahab and Jeffrey, in view of U.S. Patent No. 6,611,840 of Baer et al (hereinafter "Baer"). As discussed above, claim 10, upon which claim 15 depends, is thought to be allowable. Therefore, claim 15 is also thought to be allowable at least by virtue of its dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: August 17, 2007

/William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
WJD/nlm
61125584 v1